

# Notice of Allowability

Application No.

10/767,838

Examiner

Alexis Wachtel

Applicant(s)

MERRELL ET AL.

Art Unit

1764

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amd filed 8-10-06.
2. ☒ The allowed claim(s) is/are 1,3-27,30-43,45-65,69-77.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

***Detailed Office Action***

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dana Tangren on 8-21-06.

Amend the claims as follows:

33. (twice amended) A retort heating apparatus for processing feed material, the retort heating apparatus comprising: a heating chamber bounded at least in part by a sidewall; a plurality of vertically and horizontally spaced apart baffles at least partially disposed within the heat heating chamber, each baffle comprising an elongated body having a top surface, at least a portion of the top surface comprising a substantially planar first side face and a substantially planar second side face that are disposed in diverging planes, wherein the plurality of baffles has a common maximum width, the plurality of baffles including: a first row of baffles each horizontally separated by a first distance substantially equal to or less than the common maximum with; and a second row of baffles each horizontally separated by the first distance substantially equal to or less than the common maximum width, the second row of the baffles being vertically separated from the first row by a second distance, each baffle of the second row being centrally disposed substantially midway between corresponding baffles of the first row;

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and means for heating the feed material within the heating chamber, wherein the means for heating the feed material within the heating chamber comprises at least one electrical heating element mounted at least partially on, within, or directly adjacent to at least one of the plurality of baffles.

62. (twice amended) A method for processing a feed material, the method comprising: passing a feed material down through a heating chamber of a retort, the heating chamber having a first row of baffles disposed therein, the baffles having a common maximum width, each baffle in the first row being horizontally separated by a first distance substantially equal to or less than the common maximum width; passing the feed material down through a second row of baffles vertically separated from the first row by a second distance, each baffle of the second row being horizontally separated by the first distance substantially equal to or less than the common maximum width and each baffle of the second row being centrally disposed midway between corresponding baffles of the first row, such that substantially all of the feed material that vertically passes down through the heating chamber is horizontally displaced as the feed material passes by the baffles; heating the feed material within the heating chamber such that the feed material emits an oil vapor, wherein the means for heating the feed material within the heating chamber comprises at least one electrical heating element mounted at least partially on, within, or directly adjacent to at least one of the plurality of baffles, collecting the oil vapor from within the heating chamber; and condensing the oil vapor into an oil.

Cancel claims 66-68.

***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance: with respect to independent claim 1, previously allowable subject matter was incorporated into the instant claim. Claims 3,5-8,11-15,16-20,63 depend on the independent claim/s.

With respect to independent claim 21, previously allowable subject matter was incorporated into the instant claim. Claims 22-27,30-32 depend on the independent claim/s.

With respect to independent claims 33 and 62, the closest prior art to White et al does not teach at least one electrical heating element mounted at least partially on, within, or directly adjacent to at least one of the plurality of baffles. Claims 34,64,65,69-71 depend on the independent claim/s.

With respect to independent claim 35, previously allowable subject matter was incorporated into the instant claim. Claims 36-43,45-51 depend on the independent claim/s.

With respect to independent claim 52, the closest prior art to Reeves does not teach the use of at least one electrical heating element mounted at least partially on, within, or directly adjacent to at least one of the plurality of baffles. Claims 53-61 depend on the independent claim/s.

With respect to independent claim 73, the closest prior art to Reeves, White et al and Van Djick does not teach the use of at least one electrical heating element mounted at least partially on, within, or directly adjacent to at least one of the plurality of baffles. Claims 4,9,10,74,75 depend on the independent claim/s.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Wachtel whose telephone number is 571-272-1455. The examiner can normally be reached on 10:30am to 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenn Caldarola, can be reached at (571)-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn Caldarola  
Supervisory Patent Examiner  
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